

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DANIEL MONTES, et al..

Case No. 1:20-cv-01162-NONE-EPG

Plaintiff,

V.

## BEE SWEET CITRUS, INC.,

Defendant.

ORDER GRANTING STIPULATION TO  
GRANT THE CROSS-DEFENDANTS A  
FURTHER CONTINUANCE TO RESPOND  
TO THE CROSS-CLAIM

(ECF No. 38)

Before the Court is the parties' stipulation to extend the time for Cross-Defendants Harvest Kings, LLC and Eduardo Soto ("Cross-Defendants") to respond to the cross-claim against them. (ECF No. 38.) According to the stipulation, Cross-Defendants intend to move to compel arbitration if required to respond to the cross-claim. Further, there are several motions to dismiss currently pending before District Judge Dale A. Drozd. (*See* ECF Nos. 15, 16, 18, 21.) Resolution of those motions may relieve Cross-Defendants from any obligation to respond. Therefore, the parties request to extend the time for Cross-Defendants to respond to the cross-claim until thirty days from the date the pending motions are decided.<sup>1</sup>

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<sup>1</sup> The stipulation requests “a continuance of 30 days from the date that the pending motions (Doc. Nos. 16 and 21) are denied (OR IN THE ALTERNATIVE) to the following date: \_\_\_\_\_.” (ECF No. 38 at 3.) The proposed alternative date is left blank.

1 The parties previously stipulated to extend Eduardo Soto’s response deadline to January  
2 29, 2021, and this stipulation was approved by the Court.<sup>2</sup> (ECF No. 33.) However, the parties  
3 indicate that they also entered into a subsequent stipulation to continue Cross-Defendants’  
4 response date to June 4, 2021. (ECF No. 38 at 2.) This stipulation was not filed on the docket and  
5 approved by the Court. Pursuant to Local Rule 144(a), an initial stipulation extending time for no  
6 more than twenty-eight (28) days to respond to a cross-claim may be filed without the Court’s  
7 approval, but all other extensions of time must be approved by the Court. *See* E.D. Cal. L.R.  
8 144(a).

9        Additionally, the present stipulation was not filed until July 13, 2021, long after Cross-  
10      Defendants' response deadline had lapsed. Counsel are reminded that they are required to seek to  
11      obtain a necessary extension from the Court as soon as the need for an extension becomes  
12      apparent. E.D. Cal. L.R. 144(d). Requests for Court-approved extensions brought on or after the  
13      required filing date are looked upon with disfavor. *Id.*

Having considered the stipulation, the Court will grant the parties' request. However, the parties are reminded of their obligation to comply with the Local Rules and are further cautioned that future untimely requests for extensions may be denied.

17 Accordingly, IT IS HEREBY ORDERED that the deadline for Harvest Kings, LLC and  
18 Eduardo Soto to respond to the cross-claim is extended to thirty days following resolution of the  
19 motions to dismiss (ECF Nos. 15, 16, 18, 21) currently pending before District Judge Dale A.  
20 Drozd.

IT IS SO ORDERED.

Dated: **July 14, 2021**

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE

27       <sup>2</sup> The parties' stipulation did not extend the deadline for Harvest Kings, LLC's response. (See ECF Nos. 32, 33.) It is  
28       not clear from the docket when this party was served with the summons and cross-claim and when its response was  
initially due.